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1048 U.S. PTO

PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Dkt. No.: CHEP:003US

BOX PATENT APPLICATION

Commissioner for Patents
Washington, D.C. 20231

Classification Designation:
Unknown

EXPRESS MAIL MAILING LABEL

NUMBER EL 780049021 US

DATE OF DEPOSIT December 21, 2001

**REQUEST FOR FILING A CONTINUATION OF AN INTERNATIONAL
APPLICATION UNDER 37 C.F.R. § 1.53(b)**

This is a request for filing a continuation under 37 C.F.R. §1.53(b) of pending prior international application number PCT/FR00/01768 filed on 23 June 2000, entitled "PROMOTER EXPRESSED SPECIFICALLY IN THE CELLS OF PLANT ROOTS, RECOMBINANT VECTORS AND HOST CELLS COMPRISING SAME AND TRANSGENIC PLANTS OBTAINED," which designated the United States.

- ☒ 1. Enclosed is a copy of prior application PCT/FR00/01768 as originally filed, including specification and claims. The undersigned hereby verifies that the attached papers are a true copy of the prior application as originally filed and identified above, and further that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

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- (a) ☒ The inventorship is the same as prior application PCT/FR00/01768.
- (b) ☐ Deletion of inventor(s). Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. § 1.63(d)(2) and 1.33(b).
- (c) ☒ Priority of foreign patent application number 99/08185, filed 25 June 1999 in France is claimed under 35 U.S.C. § 119(a)-(e). The certified copy:
- ☐ is enclosed.
- ☒ will follow.

- ☒ 2. Enclosed is a check in the amount of **\$676.00** to cover the filing fee as calculated below and the fee for any new claims added in the Preliminary Amendment referred to in Clause No. 7 below.

CLAIMS AS FILED IN THE PRIOR APPLICATION
LESS CLAIMS CANCELED/ADDED IN PRELIMINARY AMENDMENT

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
Basic Fee -----				\$370.00
Total Claims	26 - 20 =	6 X	\$9.00 =	\$54.00
Independent Claims	9 - 3 =	6 X	\$42.00 =	\$252.00
Multiple Dependent Claim(s) -----				\$-0.00
Assignment Recording Fee: (\$40.00 per assignee)				\$0.00
TOTAL FILING FEES:				\$676.00

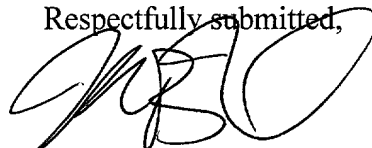
FOI b7E, b7F, b7G, b7C, b7D, b7A

- ☒ 3. The Commissioner is requested to grant Applicants a filing date in accordance with Rule 1.53, and supply Applicants with a Notice of Missing Parts in due course, in accordance with the provisions of Rule 1.53(f).
- ☒ 4. Applicant is entitled to Small Entity Status for this application.
- ☐ 5. If the check is missing or insufficient, the Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 to 1.21 which may be required for any reason relating to this application, or credit any overpayment to Fulbright & Jaworski Deposit Account No. 50-1212/08001999/CHP:003US.
- ☐ 6. Enclosed is a current Power of Attorney.
- ☐ 7. Enclosed is an Inventor declaration.
- ☒ 8. Address all future communications to:
- Mark B. Wilson
FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701
512.536.3035
- ☒ 9. The application is/will be assigned to Institut National de la Recherche Agronomique (INRA), 147, rue de l'Universite, F-75341, Paris Cedex, France.
- The assignment:
- ☐ is enclosed.
- ☒ will follow.
- ☒ 10. Enclosed is a preliminary amendment. Any additional fees incurred by this amendment are included in the check at No. 2 above and said fee has been

calculated after calculation of claims and after amendment of claims by the preliminary amendment.

- ☐ 11. Cancel in this application claims of the prior application before calculating the filing fee. (At least one original independent claim must be retained).
- ☐ 12. Amend the specification by inserting before the first line the sentence: --This is a continuation of co-pending international application filed --.
- ☐ 13. Enclosed are formal drawings.
- ☐ 14. An Information Disclosure Statement (IDS) is enclosed.
- ☐ (a) PTO-1449.
- ☐ (b) Copies of IDS citations.
- ☒ 15. Other: English translation of International Application No. PCT/FR00/01768;
Sequence Listing numbered pages 1-13; Application Data Sheet.
- ☒ 16. Return Receipt Postcard (should be specifically itemized).

Respectfully submitted,



Mark B. Wilson
Reg. No. 37,259
Attorney for Applicant

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Date: December 21, 2001